

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:15-CR-183

Hon. Janet T. Neff

vs.

MICHAEL AHO KENNEDY

Defendant.

**CHEMICAL BANK PETITION
FOR HEARING**

NOW COMES Chemical Bank, a Michigan banking corporation ("**Lender**"), and requests a hearing pursuant to 21 U.S.C. §853(n)(2) for the following reasons:

1. Lender is a secured creditor of Michael A. Kennedy and Barbara A. Kennedy, husband and wife ("**Borrowers**").
2. The Bank of Northern Michigan, a Michigan banking corporation, extended a loan in the principal amount of \$130,000.00 to Borrowers, as evidenced by the promissory note attached as **Exhibit A** (the "**Note**").
3. The Note is secured by a mortgage dated January 7, 2005, recorded January 24, 2005, in Liber 1061, Page 211, Emmet County Records (the "**Mortgage**"). The Mortgage is attached as **Exhibit B**.
4. As of April 16, 2016, the amount owed on the Note and Mortgage was \$116,159.44. Interest is accruing at the rate of 5% per annum (\$15.37 per day).
5. Lender is the successor by merger to The Bank of Northern Michigan, evidence of which is being recorded. See attached **Exhibit C**.
6. Michael A. Kennedy (f/k/a Michael A. Aho) conveyed the mortgaged property to Barbara McDonald Kennedy (f/k/a/ Barbara E. Aho and f/k/a Barbara A. Kennedy) by quit claim deed dated April 22, 2013.
7. Barbara McDonald Kennedy conveyed the mortgaged property to her son, Grant McDonald-Aho Kennedy by quit claim deed dated January 2, 2014.
8. An informational title commitment is attached as **Exhibit D**, disclosing the current status of title to the mortgaged property.

9. Lender's mortgage has priority over the interest of the United States of America in this action and must be paid in the event of any sale of the mortgaged property pursuant to the order of this Court dated April 6, 2016, forfeiting the mortgaged property to the United States of America.

WHEREFORE, Lender requests a hearing to adjudicate the validity of its interest in the mortgaged property, and that Lender be given such further relief as this Court shall deem just and proper.

WARNER NORCROSS & JUDD LLP
Attorneys for Chemical Bank

Dated: May 3, 2016

By: /s/ Timothy Hillegonds
Timothy Hillegonds (P25555)
900 Fifth Third Center, 111 Lyon St.
Grand Rapids, MI 49503
thillegonds@wnj.com
(616) 752-2132

CHEMICAL BANK

Dated: May 3, 2016

By: [Signature]
Steven J. Hawkins
Its: Vice President

STATE OF MICHIGAN

COUNTY OF KENT

)
) ss.:
)

The foregoing instrument was acknowledged before me on May 3, 2016, by Steven J. Hawkins, who is a Vice President for Chemical Bank, a Michigan banking corporation, on behalf of the corporation.

Sign: Sharon J. Hill
Name: Sharon J. Hill
Notary Public, Kent County, Michigan
My commission expires: 9-27-2018
Acting in Kent County